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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 TRISTAN SMITH,)

7 Plaintiff,)

8 v.)

9 RICHARD PENNINGTON, et al.,)

10 Defendants.)

Case No. C09-0095-JCC

ORDER DISMISSING ACTION

11 The Court, having reviewed plaintiff's complaint (Dkt. 4), the Report and
12 Recommendation of United States Magistrate Judge Brian A. Tsuchida, and the balance of the
13 record, does hereby ORDER:

- 14 (1) The Court adopts the Report and Recommendation;
15 (2) Defendants' Motion For Summary Judgment (Dkt. 15) is GRANTED and
16 plaintiff's complaint (Dkt. 4) is DISMISSED with prejudice;
17 (3) The Clerk of Court is directed to close the case and send copies of this Order to
18 plaintiff and to Magistrate Judge Brain A. Tsuchida.

19 DATED this 27th day of July, 2009.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE